

PIAN PIANO.

OR,

INTERCOURSE

BETWEEN

H. FERNE, D^r. *in Divinity*

AND

J. HARRINGTON, *Esq.*

Upon occasion of the Doctors
Censure of the

COMMON-WEALTH

OF

OCEANA.

44
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*Sentit terra Deos, mutataq; sydera pondus
Quæsiuere sum.* — Petron. Sal.

LONDON,

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PIAN PIANO

INTERCOURSE

THE FERN

WASHINGTON

Upon occasion of the
Centennial of the

COMMON-WEALTH

OCEANNA

THE FERN

THE FERN



EPISTLE

To the READER.

Reader,

I Seldom talk with him
that does not confute me,
nor ever read that which
did not confirm me; where-
fore if I be glad to take a
man in black and white,
you will not blame me, or
do not know that I have
bad

To the Reader.

*bad an University about
my eares, without any pos-
sibility left unto me where-
by to defend my selfe but
this, in which you may ima-
gine me speaking unto the
Chaire.*

I seldom talk with him
that does not confound me
with some new word
~~which I have never heard of before~~
I am glad to take a
word in black and white
you will not blame me, or
say I know that I have
said.



INTERCOURSE

*Between H. FERNÉ D^r
in Divinity, and JAMES
HARRINGTON Esq.
upon occasion of the Do-
ctors censure of the Com-
monwealth of Oceana.*

WHen I had published my
Oceana, one of my sisters
making good provision
of Copies, presented of them unto
her friends, as well to shew her re-
spect to them, as to know their
judgements of it. Among the rest
B being

being acquainted with Doctor Ferne, she sent him one, and soon after received this answer.

Madam,

I Received a Booke directed to me from your Ladiship, with intimation I should expresse my sense of it: I acknowledge, Madam, the favour you have done me in sending it; but the return you expect hath its difficulties: the Booke being now past the Press, and of such an argument, had I seen it before it was publique, I should have said it was not likely to please, &c. but that is nothing to me; your desire I suppose is to know how I like it. I conceive your Ladiship is not so far a stranger either to the Booke which you sent, or to me, whome you are pleased thus to owne, but that you take me to be of a different judgement from the Author in this his forme, whether concerning State or Church. And it may be your Ladiship did therefore call me

to speak as one that would be lesse partial. Give me leave then *Madam* in plain English to say, that albeit the Author hath shewn good sufficiency of parts, and taken much pains in order to his design; yet I conceive, First, that he is not a little mistaken in thinking the Israel-Common-wealth or Government under Moses so applicable unto his purpose as he would make it. Next, that when the question twixt his form and the Monarchical is disputed over and over again, reason and experience will still plead for the latter. Nor can the ballance he pretends stand so steady in his form, as in a well tempered Monarchie, by reason the temptations of advancing are more like to sway with many in a Common Weal, then with one, &c. in the height of Dignity. Next, When I consider such a change by this Modell from what was ever in, &c. And that the Agrarian,

an, with some other levelling Orders, are the laws of it, I should think the nature of men was first to be new model'd, before they would be capable of this. Lastly, what is said in relation to the Church or Religion in the point of Government, Ordination, Excommunication, had better beseeemed Leviathan, and is below the parts of this Gentleman, to retain and sit down with those little things, and poor mistakes, which the ignorance or wilfulnesse of many in these days hath broached in way of quarrel against the Church of England. And lamentable it is to see so many (especially Gentlemen of good parts) so opinionate, so boldly meddling in matters of Religion, as if they had forgot, or did not understand their Article of the Catholique Church.

Madam, You see I have been plain in speaking my sense, and hope you will think me therefore more fit to do

*do you reall service when you shall
have occasion to command.*

Nov. 4th. (56.

Madam,

Your humble Servant.

THE Doctor's letter though it be
scandalous (for to charg a writer
of little things, poor mistakes, sit-
ting down by ignorance, or wilful-
nesse, without proof, is no better)
was yet but private ; and there-
fore I may be asked why I would
make it publique? whereunto I
answer, That what a Divine will
have to be true, is no lesse pub-
lique then if it were printed ; but
more, for he will Preach it ; and
Preaching communicates unto
more then can read : Also his pre-
sent Doctrines are exceeding dan-
gerous. For in government that is
cast upon Parliaments or popular
elections, as ours hath ever been

and is, to take wise men, and understanding, and known among their Tribes to be Rulers over them, hath ever (except where the people were not free in their elections) been, and must ever be, the certain and infallible consequence. Now wise men, and understanding, and known among their Tribes, must needs be (at least for the greater part) of that rank which we now call the Aristocracy or Gentlemen. Whence the Senate in every well ordered Commonwealth hath consisted of the Aristocracy or Gentry. And that the Senate ever had the Supreme Authority, as well in matters of Religion as State, is not only clear in all other popular Governments, but in the Old Testament; which also is confirmed by our Saviour in the New, *Mat. 23. 2. The Scribes and Pharisees sit in Moses's seat, and therefore whatsoever they bid you observe, (both He*
and

and His Apostles observed the national Religion) *observe and do*; for the liberty of conscience or prophetick right in the Commonwealth of Israel, as in others was such, as by which Christianity notwithstanding the national Religion might grow. But *do not* (saith he) *after their works, for they say and do not.* In their inquiry after John, Joh. 1. they seem to imply or say, that if he were *that Prophet*, there was nothing in the Law why he might not introduce his *Baptism*; and therefore why he might not gather Churches, or instruct the people in his way. Nevertheless when they come to doing, they *kill the Prophets, and stone them.* This indeed Christ blameth, being the abuse of their power. But whereas the supreme Authority of the Senate, whether in matters of Religion or State, is confirmed by all divine and hu-

mane prudence; and the Senate
 is the more peculiar Province of
 the Gentry: The Doctor saith
 that *Lamentable it is to see so many,*
 (not only men of such parts or
 quality as the people in their ele-
 ctions are not likely to look upon)
but especially Gentlemen of good parts
 (then which the people upon like
 occasions have no other refuge)
so opinionate, so boldly meddling in
matters of Religion, as if they had
forgot or did not understand their
Article of the Catholique Church.
 Now where ever the Clergy have
 gained this point, namely, that
 they are the Catholique Church,
 or that it is unlawful for Gentle-
 men, either in their private capa-
 city to discourse, or in their pub-
 lique to propose, as well in the
 matter of Church as State Go-
 vernment, neither government
 nor Religion have fayled to dege-
 nerate into meere Priest-craft.
 This

This especially was the reason why I wrote unto the Doctor as followeth,

Sir,

WHereas in a Letter of yours to one of my Sisters, I find your judgement given vehemently against me, but meerly positive, I conceive that both in the matter and manner of delivery you have given me right to desire, and laid obligation upon your self to afford me your reasons, which may be done (if you please) either by confuting my book, or answering the Quæries hereunto annexed; in either of which ways, or any other I am more then desirous to undertake you; and that for many considerations, as your abilities, the safety (at least on your part) in the performance, the importance of the argument, the seasonableness, and (however it came in
your

your mind to distrust it) the wel-
comeness of such discourse unto
all men of ingenuity, both in pow-
er and out of it, or whose interest
is not the meer study of Parties,
from which the freest since the
late troubles, that hath written in
this nature is

Sir,

Nov. 17. (56.

Your humble Servant.

The

The *Queries* I shall inter-
weave with the *Doctor's*
Answer unto each of them
returned unto me with this
Preamble.

Sir,

I Received your Paper wherein you
are pleased to propound *Queries*,
and say an obligation now lies upon
me to render my reasons of dissenting,
or to answer the *Interrogatories*. But
you must give me leave to say, the ob-
ligation still ariseth from my respect
to my Lady and your self, not from
the matter or manner (as you seeme to
imply) of the delivering my former
judgement. For I could not conceive
that by the favour and honour my
Lady did me in sending the Book, I
had lost my freedome, and stood bound
either to complie, or be challenged as
an *Adversary* to try out the difference.

Therefore

Therefore upon the score of friendship and civility, I have forced my self in the midst of many pressing occasions, to give you this account of my Thoughts in order to your Queries.

The Doctor hath written heretofore upon the Politicks ; Then this among the occasions or subjects of writing, there is none of greater moment. I am a beginner in this art, and have no desire to impose upon any man ; but if I cannot teach him, to learn of him. But my Senior in it contradicts me, and gives me no reason. Now to contradict a man and give him no reason, is to give him an affront ; and to demand reason in such a case, that is, for such an affront to send such a challenge, as provoketh unto no other contention then that for truth, being according unto Scripture, and not against Laws, concerns a mans honour

honour and right; therefore it is in such a case not of curtesie, but the devoir of him that gave the affront to answer; which the Doctor having now done, I come into the lists or to the Quarries, with his answers and my replies.

The first Quarry.

How much or in what the Author of *Oceana* is mistaken, to think the Commonwealth of the Hebrews appliable to his purpose.

The Doctor's Answer.

I Have reason still to think and say, The Government or Commonwealth (as you call it) of the Hebrews, was of all other lesse appliable to your form, which supposes a Senate

Senate debating, proposing, and the people resolving, choosing, as page 15. To which there was nothing like in that Government. You find indeed Princes and Heads of the Tribes, and may call them a Senate, and read of the Assemblies of the people, but without any such power or authority, Both of them receiving Laws by the hand of Moses without any debate or contradiction. And 'tis in a manner confessed, page 18. where you say the function of that Senate was executive only, the Laws being made by God. And if we look to the Institution of the seventy, we find it was upon the advice of Jethro, and that not to be as a Council to Moses, but as Under-Judges for his ease in the Administration of the Laws, which rather suits with the condition of inferior Ministers of Justice under a Monarch, Gods Vice-gerent on earth, as all Kings are in a more large consideration, as Moses was more specially

ally in that Theocracy. Therefore I did not a little wonder at your assertions and inferences, Pag. 16, & 17. Where you speak of their making God their King, their power of rejecting and deposing him as their civil Magistrate; the harshnesse of the phrase may be mollified, but the thing asserted I suppose cannot be defended (viz.) any such power in the people to God-ward; your inference also seems strange and infirm, that they had power to have rejected any of those Laws. What you assert in the 17. page of all the Laws given by Covenant, is true in a sober sense, but the inference strange, that only which was resolved (or chosen) by the People of Israel was their Law. This is so far from good Logick, that it falls short of good divinity; for it must suppose God and the People on equall termes at their entring that Covenant; whereas God often (especially in Deut.) shews his right of commanding,

ding, and enforces their obedience to his commands upon antecedent obligations; his being the Lord their God, his choosing them out of all Nations to be a peculiar People, his bringing them out of the Land of Egypt: Much more might be said to shew these instances of the People receiving laws from God (in which they were onely passive) are far from proving any power in the People as to God-ward, or from concluding generally the power in the People of resolving and choosing Laws; and therefore this Commonwealth of Israel not applicable to your purpose.

Reply.

IN my Book I call the Government whereupon we are disputing the Commonwealth of Israel; but though I think I did not much amiss, I am the first that ever called it so, and you make no difficulty

culty in your first Letter to speak after me : But when I come to call it, as all they doe that have written upon it, then you begin to doubt, and it is *the Commonwealth* (as I call it) of the Hebrews, whence you will be more then suspected, not to have read any of those Authors. And yet how confidently is it laid to me in your first Letter, that *I am not a little mistaken in thinking the Israelitish Commonwealth or Government under Moses to be so applicable to my purpose, as I would make it?* Nevertheless when you come in Answer unto this Quære to give your Reasons, you bring this for one, that Page 18. *I say the function of the Senate was onely executive, the Laws being made by God; Where First the word onely is not mine; but of your imposing; Secondly, when you should shew that I am mistaken in thinking the Commonwealth of Israel so applicable*

to my purpose as I would make it, you shew that I make it no more appliable to my purpose than it is: Which is not fair, especially when I gave you so cleer a Reason, that albeit the Authority of proposing laws appertain unto every Senate (as such) yet the Laws of the Commonwealth of the Hebrews having been all made by an infallible Legislator, even God himself, the Senate had no Laws in the beginning to propose, but came afterwards to propose, when those laws given in the beginning came to need addition; for if you find the Kings upon such occasions as *David*, *1 Sam. 7. 2.* and *Hezekiah*, *2 Chron. 30.* proposing, and the People resolving, was this likely to have been introduced by them? or if the People had the result in the Monarchy, must they not much more have had it in the Commonwealth? Wherefore the
 Autho.

Authority of proposing unto the people, as will better appear hereafter, was derived by the King from the Judge, by the Judge from the Sanhedrim, by the Sanhedrim from *Moses*, and by *Moses* from God : As (*Exod. 19. 5.*) where God giveth him instructions for a Proposition unto the People ; *Thus shalt thou say unto the House of Jacob, and tell the children of Israel, ye have seen what I did unto the Egyptians, &c.* Now therefore if you will obey my voice indeed, and keepe my Covenant, then you shall be unto me a Kingdome of Priests : If you will (not whether you will or no) you shall be (which relates unto the future) unto me a Kingdome ; that is, I will be your King. God having given these instructions unto his sole Legislator, *Moses* came (accordingly) and called for the Elders of the People, and laid before their faces all these words that

the Lord had commanded him. And all the People answered together (gave their suffrage, Nemine contradicente) and said, All that the Lord hath spoken we will doe: And Moses returned the words (that is, the suffrage, or result) of the People unto the Lord. Wherefore God was King in Israel by Covenant, proposed by Himselfe or his servant Moses, and resolved by the People: Now that he was afterwards rejected by the People (when they chose another King) that he should not reign over them, 1 Sam. 8. 7. are his own words: And if in these words he shew plainly that the People had power to reject a Law that was not onely proposed unto them, but resolved by them, then must it needs be included even in Gods own words, that the People must have had power to have rejected any thing that was proposed, and not confirmed by them: And

And yet you tell me, *that this is so far from good Logick, that it falls short of good Divinity; And why? because it must suppose God and the People on equal termes at their entering that Covenant.* Then that a King either cannot covenant (for example) with his Chandler to serve him with Wax, or that the Chandler was upon equal Terms, or Hail-fellow well met with the King, at their entering that covenant, comes up to good Divinity. Such is the Logick, which you chop with me, for ~~farther~~ beyond my understanding! But the honest part of Logick I understand well enough, not to envy them that seem to have more.

For if by the Word *Terms* you understand the Conditions of the Covenant, it is fair: as to these indeed, the parties covenanting are so far equal, that they may equally will or choose; else it were

a Precept or Command, not a Covenant ; but if by the Word *Terms* you understand the dignity or power of the parties, it is not fair, but an equivocation ; for the equality of the Parties in that sense is nothing at all unto the equality of the Covenant ; wherefore the impiety you would fix upon me, is your own, and ariseth from your want of distinguishing between the Almighty Power of God in which he is above all things, and his infinite love whereby he boweth the ~~Heavens~~, and descendeth unto his poor creatures ; in the former regard to talk of electing or deposing God (*who is King, be the Heathen never so unquiet*) were, indeed, impious ; but in the latter it is most certain, that He ruleth among no other than a consenting, a resolving, a willing People ; Or tell me whether the reign of God on the neck of the Turks be the same

same with that in the hearts of his elect, or wherein consists the difference? Moreover to what I have said, and more than what I have said for the debate that was in the Senate, and the result that was in the People of *Israel*, *Grotius* hath summed up the Talmudists in this Note upon the Tenth Verse of *Deu. 18.* *Notandum præterea scita Senatus nonnulla sive legi interpretandæ sive præmunientiæ facta evanuisse, non modo si Senatus ante receptum ubiq; morem sententiam mutasset, verum etiam si vel ab initio Populus ea non ferret, vel si irent in dissuetudinem,* where there is nothing plainlier to be perceived than that debate was in this Senate, and result in this People: and you confesse what I assert in the 17th page of all their Laws given by Covenant to be true in a sober sense; now the sense which I have shew'd you is that of all sober Men. But can you shew me the

judgement of any sober man that because we find Princes and heads of the Tribes, we may call them a Senate? I pray how do you cut Twelve Princes into Seventy Elders, or where do you find them in the Senate? but this is nothing. *If we look to the institution of the Seventy, we find it (say you) to be upon the advice of Jethro.* (We) I pray you take it to your self, or I appeal to him that shall compare *Exod. 18.* with *Numb. 11.* whether this have been the opinion of any sober man. *Moses* in that of *Exodus* bearkens unto the voice of his father in law, *Jethro* the Priest of *Midian*: *Making able men out of Israel, Heads over the people, Rulers of thousands, Rulers of hundreds, Rulers of fifties, and Rulers of tens. And they judged the People at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.* These were the *Jethronian*

thronian præfectures, or the courts
 afterwards consisting of Twenty
 three Judges that sate in the gates
 of every City. Never were they
 mistaken before for the Sanhe-
 drim or Seventy Elders, which
 came not to be instituted till af-
 terwards in the Eleventh of *Num-*
bers, where *Moses* while he stood
 alone, being as weary of the re-
 course had unto him from these
 judicatories, as he was of That, be-
 fore their Institution, Cries unto
 God, *I am not able to bear this People*
alone (his Office of sole Legislator,
 in which relation *Lycurgus* and *So-*
lon are as well and as properly cal-
 led Kings, as He, who *was King in-*
deed in Iesurun, Deut. 33. 5. but no
 otherwise than they in their Com-
 monwealths, that is to propose the
 Laws of his form, *when the Heads of*
the People, & the Tribes of Israel were
gathered together ~~which~~ *was now*
almost accomplished.) *Wherefore*
the

the Lord said unto Moses, Gather un-
to me Seventy Elders of the men of
Israel, whom thou knowest to be El-
ders of the People, and Officers over
them, and bring them unto the Taber-
nacle of the congregation (in which
or in the Temple was ever after
the Session-house of the Senate)
that they may stand there with thee.
 If this be not enough, you may
 have a farther sight of your
 great mistake, 2 Chron. 19. where
 at the restitution of this Govern-
 ment in some part by Jehosha-
 phat, the Jethronian Councils are
 set up *City by City*: But the Senate
 or Seventy Elders with a *moreover*
 in *Jerusalem*, and that the Jethro-
 nian Courts are intimated in the
New Testament by the name of *the*
Judgement, as the Sanhedrim by
 that of *the Council*, Godwyn the
 Schoolmaster could have told you.
 But whereas ~~nothing~~ is more con-
 stantly delivered by all Authors,
 nor

nor express in Scripture, then that *Moses* having instituted the Sanhedrim stood ~~from that time for-~~ward no ~~more~~ alone, or was thenceforth but Prince of the Senate, which God appointed to stand with him ; You say, that he was a Monarch or stood alone. And whereas the Jethronian Præfectures henceforth brought all their difficult Cases unto the Sanhedrim, in the institution of which Sanhedrim *Jethro* had no hand : You say, that the Sanhedrim or Seventy Elders were instituted by *Jethro*. How plain would your *English* have been upon this occasion if ~~that~~ had given it ; whereas I shall say no more then that these are no *little things nor poor mistakes.*

The

The second Quære.

In case the Authors Form,
and the Monarchical be
or be not disputed over
and over again, what the
Reason or Experience
may be that remaineth,
or may be thought to re-
main, for the advantage
of the latter ?

The Doctors Answer.

I Have not time to dispute the two
forms, nor will to make it my study;
but this Reason is cogent for Monar-
chical, that in it there is one Chief;
For Order is the main concernment of
Government, and Order is more per-
fected by reducing to Unity, or having
still

still One Chief in the Order; And this I mention the rather, because as anciently the Romans, so you in your model, are forced to betake you in necessity to a Dictator, which undeniably evinces Monarchical Government, the fittest for all exigencies. Also because God to whom you seem to appeal (Page 15.) led his People (Psal. 77. ult.) by the hand of Moses and Aaron. Moses chief in the whole Government, and Aaron the chief in the Priesthood, and after Moses Joshua, and still raised up single persons to judge his People. Lastly, because the dust of Nature led your form of Government, from Paternal (so it was at the beginning or Peopling of the World) unto Monarchical, as Families encreased into Nations.

Reply.

Reply.

YOU in your Letter are positive that be the two Forms never so often disputed, the advantage in reason will remain to the Monarchical; but when you come to give your reason, have not time to dispute the business, nor will to make it your study; you will give a man his sentence, without recourse to the law, and his objections: Again, without taking notice of his Answers, as in the matter of Dictatorian Power, for which you say, First, that one person is fittest, and Secondly, that one person being fittest for this one thing, it undeniably evinces Monarchical Government the fittest for all exigencies. Now granting the former were true, as I have shewed it to be false, and there-

therefore chosen the *Venetian Dictator* which consistth not of One man, rather than the *Roman*, which did; yet if One Man be fittest to be a Pilot, how doth it follow that That one man is fittest for all Exigences? Or if *Gideon* were fittest to be Judge or Dictator of *Israel*, that it was fittest (as the people desired of him, *Judges 8. 22.*) he should rule over them, both He and his Son, and his sons son also? And whereas you say that God (*unto whom I appeal*) still raised up single persons to judge his people; doth it follow that these Judges or Dictators were Monarchs, especially when *Gideon* answers the People, *I will not rule over you, neither shall my son rule over you, The Lord shall rule over you*: Or rather that Monarchical Government even in the time of the Judges was in this Commonwealth, to the rejection of God? In which place (to allude unto that

that in your Answer to the first
 quare to which I have not yet re-
 ply'd,) it is plain also that antece-
 dent obligations do not alwaies
 imply command, or enforce obedi-
 ence: for say the people unto *Gi-
 deon*, rule thou over us, &c. for
 thou hast delivered us from the
 hand of *Midian*; yet neither did
 this oblige the people to choose or
Gideon, to be chosen King.

That God led his People, *Psal. 77.*
by the hand of Moses and Aaron, is
 right; but your flourish upon it,
 where you say *Moses* Chief in the
 whole Government, and *Aaron*
 Chief in the Priesthood, withers;
 for the Place relateth unto the
 Times, (*Exod. 7.*) In which saith
 the Lord unto *Moses*, *See I have*
made thee a God to Pharaoh, and
Aaron thy Brother shall be thy Pro-
phet (that is) thy Chaplain or Ora-
 tor (for otherwise there arose not a
Prophet like Moses in Israel;) and
 this

this was before the time that *Moses* made *Aaron* High Priest: nor after the institution of the Sanhedrim, was the High Priest other then subordinate unto it, whether in matter of Religion or State; Nay, if he had given them just cause, he might be whipt by the Law, as is affirmed by the Talmudists. This Senate was to stand, as hath been shewed, with *Moses*; therefore *Moses* from the institution thereof, was no more than Prince or Archon of it, and General of the Commonwealth; in each of which functions he was succeeded by *Joshua*. And the People served the Lord all the daies of *Joshua*, and all the daies of the Elders that out-lived *Joshua*, (*Judges* 2. 7.) But from this time forward you hear no more of the Jethronian Præfectures, that sate in the Gates of the Cities, nor of the Senate, as I take it, (being yet but studying this

Commonwealth, in which it were a better deed to aid, than mislead me) till the restitution of it by *Jehoshaphat*, 2 *Chron.* 19. For after the death of *Joshua*, and of the Elders of these Courts, the people of *Israel* mindlesse of the excellent Orders of their Commonwealth, given by God, were so stupid, as to let both the Senate and the inferior Courts to fall. But a Commonwealth without the Senate must of natural necessity degenerate into Anarchy: Wherefor the Nature of this Commonwealth throughout the Book of *Judges* was downright Anarchie. You have the Tribes without any Common Council or deliberation leaguings one with another, and making War at their Phancy, as *Judg.* 1. 3. *Judah* said unto *Simeon* his brother, *Come up with me into my lot, that we may fight against the Canaanites, &c.* Whence (especially when

when there was no Judge ne
 ther) is that frequent Complain^{ts}
 throughout this Book, that in
those daies there was no King (as
 men of your rank have rendred
 the Word, though in this place it
 rather signifies *Suffes* Consul, or
 Dictator, as some of the Laity
 that is of the folkes do affirme) *in*
Israell, but every one did that which
was right in his owne eyes : In this
 case of a Common-wealth there is
 no help but by Dictatorian power,
 which God in the raising up of
 Judges, did therefore indulge, ap-
 pointing them ordinarily but *pro*
tempore, or upon some, not upon
 all Exigencies; For Judges 20. the
 Congregation sentenceth the
 Tribe of *Benjamin*, decrees and
 manageth the War against them,
 without a Judge or Dictator. This
 Anarchy with the confusion of it,
 by want of the Senate, especially
 when the sons of *Samuel* grew cor-

rupt and imperious through the long rule of their father, was the true cause why the people chose to have a King, and so fell into Monarchy, under which they fared worse; for though there happened to come with a great deal of cost, as in the War with *Saul*, a *David* to be defended; yet by another War against his ambitious son, and after him a *Solomon*; in the next generation the Tribes rent in sunder, and besides the execrable wickednesse of the most of their Kings (the like whereunto was never known,) gave not over hewing one another, till *Israel* first, and then *Judah* fell into miserable Captivity. And yet this is that Unity and Order which you celebrate, and the Argument for Monarchy that must be *cogent*; which happens because you are resolved not to see that the Unity of Government consists in such a form,

form, which no man can have the Will, or having the Will can have the power to disturbe, but cast all upon the unity of a Person, that may doe what he list, running still upon your Equivocations, as if brethren could not live together in Unity, unlesse reduced to the will of one brother.

D 3

The

The third Query.

Where there is or ever was a Monarchy upon a popular ballance, or that proposed by the Author, but those onely of the Hebrews, and whether these were not the most infirme of all o-ther?

The Doctor's Answer.

I Perceive not how it concerns any thing I said, or the cause in hand, as to any material point. Onely it seems to suppose the Monarchy of the Hebrews to be on a popular ballance, which I cannot apprehend, unless because they had a kind of Agrarian, their Land divided by lot, which not-
with-

withstanding left place for a sufficient difference, and excesse in dignity of persons, bounds of Estates, measure of Wealth and Riches.

Reply.

IN your Letter you say, that the ballance I pretend cannot stand so steady in my Form, as in a well temper'd Monarchy; and yet to the Quare, where there is or ever was a Monarchy upon such a ballance? You Answer, that you perceive not how it concerns any thing you suit, or the cause in hand as to any material point, as if the ballance were of slight concernment to a Government. And for the Monarchy of the Hebrews, you say, that you cannot apprehend it to have been upon a popular ballance. But the Land of Canaan as it is computed by Hecataeus Abdenites in Josephus against Appion, contained three Millions

of Acres ; and they among whom it was divided, as appears *Numb.* 1. 46. At the Cense of them taken by *Moses* in *Mount Sinai*, amount unto 603550. Now if you allow them but four Acres a Man, it comes unto two Millions four hundred thousand Acres, and upwards, by which means there could remain for *Josua's* lot, *Calebs* portion, with the Princes of the Tribes, and the Patriarks or Princes of families, but a matter of five hundred thousand Acres, which holdeth not above a sixth part in the ballance with the people, and yet you will not apprehend, that this was a popular ballance : Why then it will be in vain to shew you the certain consequence, Namely that the Monarchies of the Hebrews, being the onely governments of this kind that ever were erected upon a popular ballance, were the most infirm

firm and troubled of all others; That the cause why the Congregation that elected the former Kings were able to reject *Rehoboam* was from the power of the people, and the power of the people from their *Popular Agrarian*: and that the cause why the Kings of *Israel* and *Judah*, while they had not foreign Wars, never gave over knocking out the Braines of the people, one against another, was, that having no Monarchical ballance, or not such an one as was sufficient, whereupon safely to rest themselves in peace, they were necessitated as some Kings at this day (the ballance of whose Empire is broken) to make themselves useful unto the people through their danger, that so through the want of Order, they ~~may~~^{must} subsist (according unto the modern Maxim) by confusion and war; an expedient sufficiently practised to be well known.

The

The fourth Quære.

Whether the Temptations
 of advancing did sway
 more with the *Many* in
 the Commonwealth, than
 with the *Few* under the
 Monarchies of the He-
 brews, (that is) under the
 Kings of *Judah*, *Israel*, or
 the High Priests, when
 they came to be Princes?
 and whether other story
 be not (as to this Quære
 conformable unto that of
 Scripture.

The

The Doctor's Answer.

WHether greater Temptations in the Hebrew Government before or after they had Kings, seems little material by comparing them to learn, and as little to your purpose, till what you suppose be granted, (viz.) that the Government before they had Kings, was in your sense a Commonwealth. But as for all Forms that have been popular, or shall be, still the Temptations are the more powerful or dangerous, as to the change of Government. This put them upon an inconvenience by often changing their Generals of Armies, and upon often banishing them, or any great Citizens, when their just deserts had made them honoured and beloved; and this I suppose puts you upon a necessity in one place of defending the Ostracisme as no Punishment, and the

the People of Rome as not ingrate-
ful in banishing Camillus.

Reply.

IF to doubt whether *Israel* were
a Commonwealth in my sense
be excusable in one that will take
no notice of the Elders that stood
wth *Moses*, nor why *Gideon* being
Judge refused nevertheless to be
King; yet the league that was
made between *Judah* and *Benjamin*
in the first, and the sentence that
was given by the whole Congre-
gation, with the War thereupon
levied by the people onely, with-
out so much as a Judge or Dicta-
tor, in the last Chapter of the book
of *Judges*, evinces my sense, and
that of all Reasonable Men;
wherefore the comparison desired
by me is plainly material: and
your evasion a poor shift, below a
man

man of parts, or well meaning.

For albeit *Israel* for the far greater time of the Commonwealth before the Kings was *Anarchy*, the most subject State of such a Government unto confusion; yet abating the conspiracy of *Abimelech* (made King of the men of *Sichem*) there was (as I remember) no disturbance from ambition, nor striving to be uppermost, of which after the Kings, there was no end. For (to omit *David's* destroying of the house of *Saul*, and reigning in his stead (as done with good warrant) you have *Absalom* levying War against his father; *Jeroboam* an Ar- rant knave breaking the Empire of *Rehoboam* a hair-brain'd fool in two pieces, whence the children of *Judah* turning *Sodomites*, (*King. 14. 24.*) and they of *Israel* Idolaters; You have *Baasha* conspiring against *Nadab* King of *Israel*, murdering him, destroying all the
Posterity

Posterity of *Jeroboam*, and reigning in his stead: *Zimri* (Captain of the Chariots) serving *Asha* the son with the same sauce, when he was drunk (killing all of his kindred, that pissed against the Wall,) as *Baalsha* the father had done *Nadab*, when (may chance) he was sober: *Omri* hereupon made Captain by the people, and *Zimri* after he had reigned seven daies, burning himself; The people of *Israel* when *Zimri* was burnt, dividing into two parts, one for *Omri*, (and the other for *Tibni*, who is slain in the dispute; whereupon *Omri* out-does all the Tyrants that went before him, and when he has done, leaves *Ahab* his son, the heir of his Throne and virtue: You have *Jehu* destroying the Family of *Ahab*, giving the flesh of *Jezebel* unto the dogs, and receiving a pretty Present from those of *Samaria*, seventy heads of his Masters

Masters sons in Baskets: To *Asa* and *Jehoshaphat* of the Kings of *Judah* belongeth much reverence; but the wickedness of *Athalia*, who upon the death of her son *Abaziah*, that shee might reign, murdered all her Grand children, but one stoll away, which was *Joash*, was repaid by that one in the like coin, who also was slain by his servants; so was his son *Amastah* that reigned after him: and about the same time *Zachariah* King of *Israel*, by *Shallum*, who reigned in his stead, and *Shallum* was smitten by *Manahim*, who reigned in his stead, (*Battail Royal in Shoo-lane*) *Pekabab* the son of *Manahim* was smitten by *Pekab* one of his Captains, who reigned in his room, *Pekab* by *Hoshea*, who having reigned Nine years in his stead, was carried by *Salmanezzer* King of *Affyria* with the Ten Tribes into Captivity. Will *Judah* take

take a warning? Yes, *Hezekiah*, the next, is a very good King, but *Manasseh* his son, like the rest, a shedder of innocent blood; to him succeedeth *Ammon*, fathers own child, who is slain by his servants: *Josiah* once again is a very good King; but *Jeboabaz*, that died by the heels in *Egypt* deserv'd his end, nor was *Jeboiakim* the brother of the former (who became Tributary unto *Pharaoh*) any better; In whose Reign & his successor *Zedechia's* was *Judah* led into Captivity by *Nebuchadnezzar*, (*the common end of battail Royal*) where I leave any man to judge how far the unity of a person tends to the unity of Government, and whether the temptations of advancing (to use your Phrase) were greater in the Commonwealth or in the Monarchies of the Hebrews. It were easie to shew, if you had not enough already, that the High
Priests

Priests when they came to be
 Princes, were never a barrel better
 herring; whereas that there is no
 such work in *Venice, Switz, or Hol-*
land, you both know, and might
 if you did not wink as easily see.
 All's one, It is, for it is as you have
 said, nay and more *in all forms that*
have been Popular or shall be, still the
Temptations are more powerful and
dangerous as to the change of Govern-
ment; this put them upon great in-
conveniencies by often changing their
Generals of Armies. A pound of
 Clergy, for which take an ounce M. Disc.
 of wisdom, in this Maxim evin- B. 3.
 ced by *Machiavel.* Ch. 24. *Prolongation of*
Magistracy is the ruine of popular Go-
vernment. The not often chan-
 ging their Generals or Dictators
 was the bane of the Common-
 wealths both of *Rome* and of *Israel*,
 as by the corruption of *Samuel's*
 sons (Moss that groweth not upon
 a rolling stone) is apparent: And
 E for

for the banishment of Great Men, Name me one that since those Governments were settled, hath been banished from *Venice*, *Switz* or *Holland*. The Examples in *Rome* are but two that can be objected by a rational man in Seven hundred years, and I have answered those in my Book; For the *Ostracisme*, though I hold it a foolish Law, yet where the people have not had the prudence to found their Government upon an *Agrarian*, I shew'd you out of *Reason*, *Aristotle* and experience, that it is a shift they will be put to, whether a punishment, or not; Though no man, that is versed in the Greek story, can hold it to have been so esteem'd.

The

The fifth Quare.

Whether Men as they become richer or poorer, free, or servile, be not of a different Genius, or become new modeld, and whether these things happen not as the ballance changes?

The Doctors Answer.

Such suddain changes of the Genius and Nature of Men, I leave to the Pipe of Orpheus, or Ovids Metamorphosis.

Reply.

A Pretty jeer; but there is one in that Book *metamorphosed* into the Bird that cannot see by day. Now, a change that happens in the Revolution of one hundred and forty years, is not suddain; but so long hath the Government in question been changing from *Aristocratical* to popular: and if the Acts of popular Councils from that time, have still been and be to this hour more and more popular, the Genius of the people is as cleer as the day with the alteration of it, in those opinions you in your first Letter are pleased to call the *ignorance or wilfulnesse of these daies*, that since the Aristocratical ballance of the Clergy is gone, shake the yolk of the Priest, *The Butcher sought his Knife and had it in his mouth.*

The

The sixth Quære.

Whether Gentlemen have been more beholding unto Divines, or Men in Orders, or Divines more beholding unto Gentlemen, or such as have not been in Orders, for the knowledge which we have of the Commonwealth of the Hebrews? or who of each sort have written best upon that Subject?

The Doctor's Answer.

Comparisons being Odious, I onely say, Divines have cause to give learned Gentlemen their due, and thanke for their labours, but also cause to complain when they are too bold with holy things: not onely with the Commonwealth of the Hebrews, the Forme that God then appointed, but also with the Government of the Christian Church, the form and functions left by Christ and his Apostles, according to which the Church acted three hundred years before the Civil power became Christian.

Reply.

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Reply.

Divines have cause to complain when Gentlemen are too bold with holy things, as with the Commonwealth of the Hebrews; but if you ask, who of each sort have written best upon this Subject, *Comparisons are odious*; here you can be modest; for no body hath written in this kind, but *Carolus Sigonius, Buxtorfius, Cornelius Bertramus, Hugo Grotius, Selden and Cunaeus*, all which were Gentlemen, or such as were not in Orders. Nor can it be gathered from any thing now extant, that any Divine understood this Government. But if Divines cannot deal with this Government and Gentlemen may not, how should it be known? or if Divines understand not this, why do they meddle with others?

The seventh Quare.

What and how many be those little things, and poor mistakes, which the Author below a Gentleman of his parts hath entertain'd?

The Doctor's Answer.

THose little things and poor mistakes I confined to the matters of the Church: for innovating wherein these latter times make exceptions against our Translation, delight in some Notions of Words in Scripture, vent new interpretations, make strange inferences, in which to rest satisfied is below, &c. Such Page 16. from Notion or Origination of Ecclesia, to infer Democratical Government

ment of the Church; and that inference for the right of gathering Churches now, Page 28. So after in the model, what is said for the Notion of *ἐκκλησία* to the prejudice of due Ordination and the like.

Reply.

IN Judges 20. 2. the Civil Congregation of the Chief of all the Tribes of *Israel*, is called *Ecclesia Dei*; and not onely Greek writers, as particularly *Æschines*, use that word for the *Assemblies* of the People in the *Grecian Commonwealths*, but *Luke* also speaking of the People of *Ephesus*, he saith, *Erat autem Ecclesia confusa*; wherefore this Word having been of this use before the *Apostles*, and being applied by them unto their *Convocations* or *Assemblies*, there must needs have been some reason, why they made choice of this, rather
then

Acts.

then of any other. Now if the Reason had not been that they intended the Church to be *Democratical*; why would they borrow a word that is of that sense? or why should you think that they would give names unto things not according unto their Nature; seeing if they had intended it should have been *Aristocratical*, they might as well have taken the word *συνελευσις* or Senate? Wherefore saies Calvin the Lawyer, *Sumpsērunt Apostoli illud melius nomen ad significandum Ecclesiam, ut ostenderent politiam Populi Dei esse quidem Democraticam, &c.* I have shewed you my reasons, and given you my Testimony, and yet you that have neither, call this a *Notion*. Then for the *Chirotonia*, or holding up of hands, it was the way of giving suffrage in some of those *Popular Assemblies*, more particularly, that of *Athens*, and this word the *Apo-*
stles

stles also came to borrow for the
 suffrage of their Congregations, as
 in the Greek, *Acts* 14. 23. where
 they use the Word (*καταστήσαντες*)
 the same that was used by the *A-*
thenians, signifying holding up of
 hands or their manner of suf-
 frage; but this the English Tran-
 slators have left out, and where
 they should have rendred the
 place, *and when they had Ordained*
Elders by the holding up of hands in
every Congregation, they render it,
When they had Ordained them Elders
in every Church: Now You, though
 you know this well enough, never
 lay any blame upon the *Transla-*
tors, but with them that find fault
 with the Translation, as if it were
 less impiety in Divines to corrupt
 the Scriptures than in others to
 vindicate them from Corruption.
 And this is another of those things
 which you have the confidence to
 call Notions, albeit in so doing
 you

you must needs sin against your own conscience: but what is that to Interest? if this place be restored, Ordination is restored unto the People; and so Divines losing it, there is an end of Priest-craft, as by telling the story of this invention, (though in brief) will better appear. Ordination in the Commonwealth of *Israel* being primarily nothing else but Election of Magistrates; was performed by the suffrage of the people, or (as is shewn by the Talmudists upon *Numb. 11.* in *Eldad* and *Medad*) by the balot. Nor was it otherwise till the *Sanhedrim* got a whim of their own, without any precept of God, to Ordain their Successors by the *Chirothesia* or Imposition of hands, and the Parties being so ordained call'd *Presbyters*, became capable of being elected into the Judicatories, whereby cheating the People of the right

right of electing their Magistrates: the *sanhedrim* instituted the first Presbyterian Government ; nevertheless this Form as to the Imposition of hands, was not alwaies held so necessary among the Jews, but if the party were absent it might be done by letter, and sometimes though he were present it was done by verse or charme only. But whereas the Senate, if not every Senator, by this Innovation had right to Ordain ; by *Hilel* High Priest and Prince of the *Sanhedrim*, (who lived some three hundred yeares before Christ) means was found to get the whole power into his hand, which being of such consequence, that no Magistrate could thenceforth be made but by the High Priest, it changed this same first Presbytery (the High Priests becomming afterwards *Monarchs*,) as I may say, into the first *Papacy* ; for this track
was

was exactly troden over again by the Christians; first, to the Presbytery, from thence to the Bishop, and that by means of the same *Chirothesia* or Imposition of hands taken up from the Jews; and out of this *Bishop* stept up the *Pope*, and his Seventy Cardinals, anciently the *Presbytery*, or Seventy Elders of *Rome* in imitation of those of *Israel*. Moreover it is the judgement of good Divines, as *Bullinger*, *Musculus*, *P. Martyr*, *Luther* and *Melancton*, that this *Chirothesia* or *Imposition* of hands is not necessary, for that the Apostles took up some things from the Jews, as community of goods, which are not necessary, you will not deny: and if this were not of that kind, then wherefore in the place alledged, where the *Chirotonia*, prayer and fasting, as all things necessary unto Ordination are mentioned, is the *Chirothesia* omitted even by the Apostles

postles themselves? Nor can you
 find that it was otherwise than
 sparingly used by them in compa-
 rison of the *Chirotonia* or suffrage
 of the people; and perhaps there
 onely where the people had not
 the Civil right of any such suf-
 frage, by which where it was,
 they Ordained *Elders* in every
Church. And in this place comes
 that of your Answer unto the 7th
Quere, Namely, That the Church
 acted three hundred years before the
 Civil Power became Christian, to be
 very questionable. For that *Tar-*
sus a City of *Cilicia*, was so free,
 that *Paul*, being a Native thereof,
 claimeth the right of a *Roman*, is
 clear in Scripture; Nor is it more
 obscure in story, that the people in
 the Cities of *Lycia*, *Pamphylia*, *Ly-*
caonia, or *Cappadocia*, in which the
Apostle ordained Ecclesiastical *El-*
ders by the *Chirotonia* of the
 Church or Congregation, had not
 onely

only the Ancient right but custom of electing their civil Elders in the same manner : and where was the necessity, or sense that the Apostles to convert them unto the Christian Religion, should go about to depose them, than which nothing could have caused a greater jealousie, obstruction, or scandal upon their Doctrine? But if the Apostles used the words *Ecclesia* and *Chirotonia* in these places according unto the right of the people, and the known sense (in which they had been alwaies taken) then acted not the Church three hundred years nor halfe a hundred years before the Civil Power became Christian : And if the Bishops, when the Emperors became Christian, made no bones of receiving their Mitres from the Civil Magistrate, they must have done ill, had they known or conceived that the Church in the purest

rest times had waved the Civil Magistracy. *Paul* arriving at *Athens* converts *Dionysius* one of the Senators, and some others unto the Christian faith: Suppose he had converted the whole Senate and the People, what sober Man can imagine, that he would have disputed with the Congregation the sense of their former Name *Ecclesia*, or the right of electing their new Elders by their old *Chirotonia*, or suffrage by holding up of hands? But he converted but a few; wherefore as he had no aid, so he had no hinderance from the Magistrate; This, then, was a gather'd Church, I think, or what was it? If the *Prophets* in *Israel* went up and down preaching unto the people, by whom they were followed; and if some of these that were thus followed were true, and more of them false, the people that followed them
 F could

could not be all of the same persuasion, though it is like that no man would follow such an one as he was not persuaded was true. But the people choosing at their own discretion whom they would follow, how could these Congregations be lesse gathered than those when the people were divided into three sects, *Pharisees*, *Sadduces*, and *Esscans*, which could be no other? Nor doth the *Sanhedrim*, though they had the Government of the National Religion, sending unto *John the Baptist* (*John* 1. 25.) to know who he was, and why he baptized, refuse him the like *Prophetick right*, used by him first, and afterwards by our Saviour and the Apostles, without the Authority of the *Sanhedrim*; Nor doth *Paul* blame the Congregations of *Apellos* and *Cephas* (*1 Cor.* 1.) in that they were gathered, but in that they put too much

much upon them that gathered them: How then doth it appear that my Inference for gathered Congregations *now*, is a little thing or poor mistake below a Gentleman of parts; when I say no more than that gathered Congregations were in use both before and after Christ, notwithstanding the National Religion that was then settled? and therefore gathered Congregations for any thing in the Old or New Testament that I can find to the contrary, might be *now*, though a National Religion were settled. And if this be not true, the Testimony, which you bear in your present practice, is against your self; for what else are your Congregations *now*, that will use none other then the Common-prayer, but gathered?

To conclude, it should seem by you, that if the National Religion were so settled, that the meddling with holy things by any other than a Divine, might be resolv'd as holdly (and to use a fine word) opinionately done, as if it were against an Article of our Creed; you would be pleased. But the National Religion and the Liberty of Conscience is ordered in *Oceana*, that neither the Interest of the Learned, nor the Ignorance of the unlearned can corrupt Religion (in which case though there might, yet there is no probability, that there would be any gathered Congregations, this being the peculiar Remedy for that which you hold a disease) you are displeased: for thus you Conclude,

then the Common-prayer
is desired?
Sir,

Sir,

YOU see I have used freedom again, it is like you will think too much; but I desire you would allow me the priviledge of the Old saying, suo quisq; sensu abundet, and not trouble your self with interrogating me, from whom you can draw so little satisfaction. I never made it my study to model or shape out Forms of Government, but to yield Obedience to every lawful Command proceeding from Authority, how perfect, or otherwise the form was. In a word, Sir, I honour your parts, wish them imployed as may be most for the service of God and his Church, and doe promise my selfe in all friendly and Christian Offices,

Nov. 26. (56.) Sir,

Your humble servant.

H. Ferne.

F 3

To

To which I say that

I Have not heard a Divine quote
 Scripture (*Quisq; suo sensu abundet*) as an Old saying; but you are
 not contented to doe so onely but
 to use it accordingly; for whereas
 (*Rom. 14. 15.*) it is indulged by
 the Apostle as to indifferent
 things, this was never intended to
 be an Argument that the Seventy
 Elders were erected upon the ad-
 vice of *Jethro*, that *Moses* instituted
 a *Monarchy*, that *Gideon* was King
 of *Israel*, or indeed for any thing
 that you have said; And therefore
 however you call it Interrogatory,
 it is civil enough in such a case to
 desire better reason, but do not
 fear that I should trouble you any
 more in this kind, nor had I at all,
 if whereas you confess in the close
 that you have not studied these
 things, you had but said so much
 in

in the beginning, for there had been an end.

This study indeed as I have shewd elsewhere, is peculiar unto Gentlemen ; but if it be of your goodnesse that you study not to shape such work, must it ever be the study of your Tribe to misshape it ? Is it in such less impiety to have ruin'd a Kingdome then in any other to shew the true Principles of a Commonwealth ? Or whereas the Nature of the Politicks, or such Civil Power (witness the *Sanhedrim* of *Israel*) as cometh neereſt unto Gods own pattern, regards as well Religion as Government and is receptible of Gentlemen ; doth it follow that I have not laid out the best of my parts in my Vocation, to the service of God and his Church, because you in your pretended zeal have chosen to insinuate the contrary by a prayer ? But he,
unto

unto whom you have addrested
 your self knoweth the secrets of
 all hearts; To him therefore I ap-
 peal, whether I have not sought
 him in a work of Universal Cha-
 rity; and whether one end of this
 present writing be not least you
 making use of your great Autho-
 rity thus to prejudice such a work,
 should hurt them most, whom
 you love best: It being apparent
 unto any Man that can see and
 understand the ballance of Go-
 vernment with the irresistibile
 consequence of the same, that by
 such time as the vanity of mens
 waies shall have tired them a little
 more, it will be found that God
 in his infinite goodnesse and
 mercy, hath made that onely pos-
 sible for us which is best for us all,
 most for the good of mankind,
 and his own glory. And so not-
 withstanding the heat of our dis-
 pute, which so far as it hath not

rejoiced

(73)

resisted nor exceeded truth, cannot
have been very sinful or unchari-
table, I do oblige my self in all
the devoirs of

London

Sir,

Jan. 3. (56.

Your affectionate friend

and humble servant,

James Harrington.

FINIS.
